IN THE HIGH COURT OF UTTARAKHAND AT NAINTIAL

Writ Petition No. 1569 (S/S) of 2007

Dharmendra Sing Rawat
S/o Late Sri Satey Singh Rawat
Presently posted as Assistant Accounts Officer
District Project Officer, Sarva Siksha Abhiyan
Uttarkashi.

……Petitioner

Versus

1. Director, State Project
   Uttarakhand Sabhi Ke Liye Shiksha Parishad
   Shiksha Sankul, Mayur Vihar
   Sahastradhara Road
   Dehradun.
2. Director, Agriculture, Prem Nagar
   Dehradun.

…….Respondents

Shri S.N. Babulkar, Sr. Advocate, assisted by Shri Ravi Babulkar, learned counsel for the petitioner.
Shri H.M. Raturi, learned Standing Counsel for the respondents.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the petitioner and learned Standing Counsel.

2. By means of this writ petition, the petitioner has challenged the order dated 18.10.2007(copy annexure-1 to the writ petition), whereby the petitioner, a deputanist, is directed to be repatriated to his parent department.

3. The petitioner was an Accountant with Agriculture Department (lending department) and was taken on deputation as Assistant Finance and

Accounts Officer with the Sarv Shiksha Abhiyan (borrowing department).

4. It is settled principle of law that a deputanist has no right of continuance with the borrowing department and he can be repatriated to his parent department at any time. Learned counsel for the petitioner drew attention of this Court that the petitioner was on deputation for a fixed tenure and as such, he could not have been repatriated before expiry of such tenure. In this connection, he also relied on the principle of law laid down in ***Union of India Vs. V. Ramakrishnan others J.T. 2005 (9) S.C. 422.***

5. However, annexure-8 by which the petitioner was initially taken on deputation contains following condition:-

''यह प्रतिनियुक्ति नितान्त अस्थायी है और किसी भी समय बिना पूर्व सूचना के निरस्त की जा सकती है।''

Annexure-13 to the writ petition shows that the petitioner's period on deputation was extended up to 31.03.1008 but that also contains following condition:-

''इस प्रतिबन्ध के साथ प्रतिनियुक्ति विस्तार की स्वीकृति प्रदान की जाती है कि उल्लिखित तिथि से पूर्व उनकी प्रतिनियुक्ति समाप्त करनी आवष्यक न हो।''

6. Having heard learned counsel for the parties and after going through the papers on record, this

Court dose not find that any right of the petitioner is violated by the impugned order.

7. The writ petition is dismissed in limine.

Dt.27.10.2007 **(Prafulla C. Pant J.)**

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